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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,994	09/29/2003	Hikari Kawata	121027-200	2814
35684	7590	03/20/2006		
BUTZEL LONG 350 SOUTH MAIN STREET SUITE 300 ANN ARBOR, MI 48104			EXAMINER REICHLER, KARIN M	
			ART UNIT 3761	PAPER NUMBER

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/673,994

Applicant(s)

KAWATA ET AL.

Examiner

Karin M. Reichle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The amendments to the specification and abstract filed 12-19-05 have not been entered since they do not comply with 37 CFR 1.121, i.e. the specification amendments and the amendments to the abstract have not be presented in separate sections, i.e. the abstract was not presented on a separate page. Therefore this action is based on the originally filed application except for the claims and the claims as filed 12-29-05.

### ***Drawings***

2. The drawings are objected to because the guide 1 shown in Figure 3, specifically the connection between the strips 2 and piece 6, is not the same as that in the other Figures, i.e. is there more than one embodiment? Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

“Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Description*

3. The abstract of the disclosure is objected to because terminology which can be inferred, i.e. “Here is disclosed”, and legal terminology, i.e. “comprises”, should be avoided. Also, lines 3-5, as counted, appear to be missing a word or words. Correction is required. See MPEP § 608.01(b).

4. The disclosure is objected to because of the following informalities: as discussed supra, the guide in Figure 3 and that shown in Figures 1 and 2 are different. Are there different embodiments? Note page 5, lines 5-7. A complete consistent description of the guide in the Figures should be set forth. Also, see discussion infra, the claims now require at least the capability of use with a body fluid absorbent article, e.g. the capability of attachment or attachment to “an absorbent inner surface”. While the original application disclosed the attachment with respect to a body fluid absorbent article, i.e. includes an absorbent core, or an inner surface of such an article which surface, i.e. top-sheet 17, is liquid pervious, the original application does not appear to disclose the attachment to or capability thereof to an absorbent inner surface. Should the claim language have been --liquid pervious inner surface-- or --inner surface-- instead? If not, at the very least, the description of the invention throughout the application is not consistent and thereby, a consistent description which is supported by the original application should be set forth. Appropriate correction is required.

***Claim Objections***

5. Claims 1-8 are objected to because of the following informalities: in claim 1, lines 2 and 9-11, should “absorbent inner surface” be --liquid pervious inner surface-- or just --inner surface-- instead? See discussion in paragraph 4 supra and discussion infra. Claim 8, lines 1-2 appear to be missing words or a word. Claim 2 would be in better form if on line 3, after “direction”, --in use-- were inserted. See Claim Language Interpretation section infra. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, Applicant claims a plurality of strips as being “individual” and distal end portions as being “free, unattached”. However, “individual” according to its usual or dictionary definition is “existing as a distinct entity; separate” and it is not specified with regard to what structure(s) the end portions are “free, unattached”, see following paragraph with respect to the definition of “attached, i.e. the terminology “free, unattached” would include direct and indirect lack of attachments. Yet as best understood as claimed, each of the distal end portions appears to be at least indirectly connected to other the claimed structures, e.g. indirectly connected to the connecting region, directly connected to the remaining portion of the respective strip and the strips are connected to, e.g., each other and the connecting region, i.e. not separate or distinct entities. Therefore, it is unclear what structure of the guiding article at a minimum is being

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claimed. Also, with regard to claims 1, 7 and 8, it is unclear whether Applicant is claiming the absorbent article and an attachment thereto, i.e. see claim 7 and lines 9-11 of claim 1, or not, i.e. see the preamble of claim 1 and claim 8, specifically note the language "one of" in claim 8?

### ***Claim Language Interpretation***

7. Due to the lack of clarity set forth supra and to interpret the claim to be consistent alone or in combination with any claims depending therefrom, claim 1 is interpreted to include, at a minimum, a guide which may be used with an article having an inner surface and the capability of attachment onto such surface as set forth on lines 10-11 when used therewith, and the capability, function or properties of the last two lines of the claim. The guide is considered to include a plurality of ribbon-like strips having their proximal end portions interconnected by a sheet-like connecting region and distal end portions which are not directly connected to each other and the strips also having a thickness and extending as claimed on line 6. "Attach", "connect", "join" and derivatives thereof are interpreted still according to their usual meaning, i.e. can be direct or indirect. It is noted that the claim language does not require that the strips only include proximal and distal end portions, that the entire extent of the proximal end portions are directly interconnected to the connecting region, or that the strips are only connected to one another through the connecting region to one another. Claims 2, 7 and 8, lines 2 et seq of each are interpreted as setting forth function, capabilities or properties of the strips or adhesive which is claimed.

***Claim Rejections - 35 USC § 102***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahr '585.

In regard to claims 1-5, see discussion in paragraphs 4 and 6-7 supra, especially, the Claim Language Interpretation section supra, and Ahr at the Figures and col. 6, line 54-col. 9, line 3, col. 9, lines 25-28, col. 9, line 45-col. 10, line 63 and col. 12, lines 1-27, i.e. Ahr teaches a urine guiding structure having longitudinal and transverse directions which includes a plurality of ribbon like strips having a thickness, as best understood, e.g. braided structures 44A-C or strands 54 which can be flat, having or arranged in longitudinal and transverse dimensions or directions, distal end portions, see Figures, especially 1 and 5, the structure(s) denoted 56, and proximal end portions, e.g. at least a proximalmost portion of the remainder of 44A-C or structures 54, and a sheet-like connecting region, e.g. any or all of the other sheet members of the article 20, e.g. core 42, which is interconnected directly or indirectly, see, e.g., col. 8, lines 24-55 and col. 10, lines 47-58 of Ahr, to the proximal end portions of the strips. Urine discharged on the strips is guided longitudinally along the strips, i.e. between the ends, see col. 8, lines 39-66. The strips comprise fibers, 54 or 56, oriented in the longitudinal direction which are hydrophobic or both hydrophobic and hydrophilic and the strips and connecting region may be combined with a body fluid absorbent wearing article, e.g. can serve as a portion, e.g. the topsheet, of such an article 20 or the entire article 20 including such guide can be an insert or booster for such a body fluid absorbent wearing article, see portions of Ahr cited supra.

With regard to claim 6, see col. 8, lines 24-55 and col. 10, lines 30-63, i.e. any or all of the sheet members of 20 are coated directly or indirectly on one surface thereof with an adhesive.

With regard to claim 7, see the discussion of this claim *supra* in paragraphs 6 and 7 *supra*, i.e. the adhesive disclosed by Ahr can be a permanent adhesive attaching the connecting region directly or indirectly to the inner surface of the article, e.g. the sheet or sheets of 20 forming the connecting region to the remainder, including an inner surface thereof, of combination 20.

With regard to claim 8, see the discussion of this claim in paragraphs 6-7 *supra*, the adhesive can be an adhesive which is capable of detachably attaching to one of an inner surface of a body fluid absorbent article and the body of a wearer such as adhesive 50 which is disclosed as detachably attaching the article to an undergarment, and thereby, though indirectly, to the body of the wearer. Alternatively, the Ahr reference teaches an adhesive capable of detachably attaching to an undergarment. Therefore, at the very least there is sufficient factual evidence for one to conclude that such adhesive is also inherently capable of so attaching to the inner surface of a body fluid absorbent wearing article, see MPEP 2112.01. Note again col. 12, lines 9-11 of Ahr.

### ***Response to Arguments***

10. Applicant's remarks have been carefully considered but are deemed moot in that the issue discussed has not been reraised or are deemed not persuasive. Specifically as discussed *supra* it appears that the arguments are narrower than the claim language as best understood, e.g. doesn't claim strips having proximal end portions connected to each other only through a sheet like connecting region but otherwise directly unconnected to each other which connecting region



is the only portion of the guide which is directly adhered to the innermost surface of an article or the body. Applicant's attention however is directed the following paragraph.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other cited but not applied references also teach transfer members. Applicant's attention is especially directed to col. 8, lines 22-28 and 40-60 and Figures of Gibbins '174 and the paragraph bridging cols. 3-4 and Figures of Korteweg '966.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any new grounds of rejection were necessitated by the amendments to claims 1-2 and 7-8.

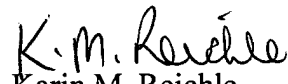
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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Karin M. Reichle  
Primary Examiner  
Art Unit 3761

KMR  
March 14, 2006